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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,313	06/26/2003	Satoru Wakao	00862.023113	3192
5514	7590	09/18/2007	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			BESROUR, SAOUSSEN	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
NEW YORK, NY 10112			2131	
MAIL DATE		DELIVERY MODE		
09/18/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/606,313	WAKAO, SATORU	
	Examiner	Art Unit	
	Saoussen Besrour	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 July 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. This action is in response to amendment filed 7/2/2007. Claims 1 and 3-11 were amended. Claims 2 and 12-21 were cancelled. Claims 1 and 3-11 are pending. Applicant's arguments/ amendments with respect to the claims have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Claim Rejections - 35 USC § 112

2. Corrections to the claims were received 7/2/2007, thus previous 112 rejections have been withdrawn.

Response to Arguments

Applicant's arguments filed 7/2/2007 have been fully considered but they are not persuasive.

3. Regarding applicant's argument that Kondoh does not teach "an authentication unit which has (a) a first authentication mode where said authentication unit authenticated, using first authentication data, whether or not first image data has been altered, and (b) a second authentication mode where said authentication unit authenticated, using second authentication data, whether or not second image data generated by a second imaging apparatus has been altered," Examiner respectfully disagrees and would like to point out that Kondoh states in its fifth embodiment disclosed in columns 9 and 10 that there are two storages where images can be stored,

storage medium 70 and external unit 93 per Fig. 9, where second alteration data can be detected in the external storage. The verification process is identical for the images stored in the alternate storages, disclosed in column 10, thus inherently each image stored in the different storages will have authentication data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 and 3-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kondoh et al. (6,968,058).**

As per **claim 1**, Kondoh discloses: an image data generating unit which generates first image data; an authentication data generating unit which generates first authentication data; and an authentication unit which has (a) a first authentication mode where said authentication unit authenticates, using the first authentication data, whether or not the first image data has been altered (Column 4, Lines 45-67), and (b) a second authentication mode where said authentication unit authenticates, using second authentication data, whether or not second image data generated by a second imaging apparatus has been altered (Column 9, Lines 30-35, Column 10, Lines 4-67).

As per **claim 3**, rejected as applied to claim 1. Furthermore, Kondoh discloses: authentication data generating unit generates the first authentication data using data unique to said imaging apparatus (Column 12, Lines 14-37 and Column 13, Lines 34-47).

As per **claim 4**, rejected as applied to claim 1. Furthermore, Kondoh discloses: authentication data generating unit generates the first authentication data using secret data held by said imaging apparatus (Column 7, Lines 29-35, Column 9, Lines 30-36).

As per **claim 5**, rejected as applied to claim 1. Furthermore, Kondoh discloses: authentication data generating unit generates the first authentication data using a hash function (Column 7, Lines 29-35, Column 12, Lines 14-37).

As per **claim 6**, rejected as applied to claim 1. Furthermore, Kondoh discloses: said authentication data generating unit generates the first authentication data using a common key cipher (Column 5, Lines 26-45, Column 7, Lines 29-35, Column 12, Lines 14-37).

As per **claim 7**, rejected as applied to claim 1. Furthermore, Kondoh et al. discloses: authentication unit authenticates, using data unique to the second imaging apparatus, whether or not the second image data generated by the second imaging apparatus has been altered (Column 9, Lines 25-36, Column 10, Lines 4-27).

As per **claim 8**, rejected as applied to claim 1. Furthermore, Kondoh discloses: authentication unit authenticates, using secret data held by said imaging apparatus, whether or not the second image data generated by the second imaging apparatus has been altered (Column 10, Lines 4-27).

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As per **claim 9**, rejected as applied to claim 1. Furthermore, Kondoh discloses: authentication unit authenticates, using a hash function, whether or not the second image data generated by the second imaging apparatus has been altered (Column 10, Lines 4-27).

As per **claim 10**, rejected as applied to claim 1. Furthermore, Kondoh discloses: authentication unit authenticates, using a common key cipher, whether or not the second image data generated by the second imaging apparatus has been altered (Column 10, Lines 4-27).

As per **claim 11**, rejected as applied to claim 1. Furthermore, Kondoh discloses: wherein said image apparatus is one of a digital camera, digital video camera, and scanner (Column 4, Lines 46-42).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saoussen Besrour whose telephone number is 571-272-6547. The examiner can normally be reached on M-F 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SB
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